

DON SCHELLHARDT
Government Relations Attorney
pioneerpath@hotmail.com
45 Bracewood Road
Waterbury, Connecticut 06706
(203) 757-1790 or (203) 756-7310

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Office of the Secretary
FEDERAL COMMUNICATIONS COMMISSION
445 12th Street S.W. -- The Portals
Washington, D.C. 20554

RE: New Information Concerning IBOC Digital Radio (Docket 99-325)

Dear FCC Commissioners and Staff,

As you know, I am the attorney for the 40 parties to a Petition For Reconsideration in FCC Docket 99-325. That Petition, filed on October 25, 2002, seeks withdrawal or suspension of the Commission's October 11, 2002 approval of "interim", virtually deregulated broadcasts using In Band On Channel (IBOC) Digital Radio.

The 40 Anti-IBOC Petitioners have contended, and continue to contend, that the FCC's "interim" authorization of IBOC broadcasts should be revoked -- until and unless the Commission has made *a competitive comparison* of the IBOC technology with alternative Digital Radio technologies. The technologies to be considered should include *Eureka-147*, *Digital Radio Mondiale* and the new *CAM-D* technology developed for use on the AM Band by Kahn Communications of New York City and Long Island. The competitive comparison should encompass comprehensive testing and evaluation, especially with respect to interference and consumer listening preferences.

We write to place On The Record, in this Docket, the new information that the Digital Audio Broadcasting Subcommittee of the industry-staffed, NAB-linked National Radio Systems Committee has suspended -- until further notice -- its development of technological standards for new IBOC-oriented Digital Radio equipment. In a May 14, 2003 Memo authored by Milford Smith of New Jersey, DAB Subcommittee Chairman, it is stated that the suspension was initiated in response to *poor audio quality* during a recent demonstration of the IBOC technology by iBiquity Corporation of Maryland.

We realize that today's letter is the latest in a string of several "updates" we have sent to the Commission since formal opportunities for comment on our Petition were closed in Docket 99-325. We regret the accumulation of "update" filings in this Docket, but the fact is that new information damaging to the case for IBOC keeps arising as time goes by. It is imperative that such developments be entered into this Docket -- so that they will be available for review by one or more courts in the event of litigation over our Petition.

Sincerely,

Don Schellhardt

Attorney For The 40 Parties To The October 25, 2002 Petition For Reconsideration
In FCC Docket 99-325